

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**COUNCIL CHAMBERS**  
**WILLMAR MUNICIPAL UTILITIES BUILDING**  
**WILLMAR, MINNESOTA**

March 21, 2005  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Ron Christianson, Bruce DeBlieck, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 7, Absent 2 - Doug Reese and Denis Anderson.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Proposed additions to the agenda included a Professional Service Agreement with HNTB, Minnesota Senate Tax Committee and Upper Sioux Board of Trustees Resolution.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of March 7, Municipal Utilities Commission Minutes of March 14, Planning Commission Minutes of March 9, Police Commission Minutes of February 17, Community Education and Recreation Board Minutes of February 25, and Pioneerland Library Board Minutes of January 20, 2005. Council Member Gardner seconded the motion, which carried.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Community Development Committee Report for March 10, 2005, was presented to the Mayor and Council by Council Member DeBlieck. There were two items for Council consideration.

Item No. 1: Denny Baker and Paul Bredeson, representing the Kandiyohi County Fair Board, appeared before the Committee to review the new lease agreement that the Fair Board and Kandi Racing Association (KRA) have recently developed. The Fair Board was requesting the City Council allow the use of this agreement to control racing at the fairgrounds and exclude the consideration of a city licensing ordinance. The Committee reviewed the enforcement criteria listed in the agreement which included the following: A) KRA Board of Directors agrees to abide by the times set forth in this contract by the Kandiyohi County Fair Board to begin and end the races for the 2005 season; B) May 5-26, KRA races to begin at 6:30 p.m. and end by 10:15 p.m. No new heat or feature race to begin after 10:05 p.m.; C) The balance of the season, races will begin at 7:00 p.m. and end at 10:45 p.m. No new heat or feature race to begin after 10:30 p.m.; D) In case of problems during the nightly race programs, KRA will be asked to cut the length of each of the remaining races to comply with the ending times; E) Failure to comply with these racing times will result in: 1<sup>st</sup> Offense - \$250 fine, 2<sup>nd</sup> Offense - \$550 fine; 3<sup>rd</sup> Offense – Miss one (1) week of racing (next).

Following discussion, the Committee was recommending the Council to suspend consideration of the draft ordinance prepared by the City Attorney which licensed motor vehicle racing. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 2: Council Member Christianson presented a brief report on the multicultural market under consideration in downtown Willmar by the Willmar Area Multicultural Committee. This matter was for information only.

The Community Development Committee Report for March 10, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Christianson, and carried.

City Clerk Halliday informed the Mayor and Council that the Elks Lodge #952 is making an application for a Premise Permit Renewal to the Minnesota Gambling Control Board. The local unit of government must sign the premise permit application and vote on the application. Following discussion, Resolution No. 1 was introduced by Council Member Gardner, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 1

#### REQUESTING THAT THE MINNESOTA GAMBLING CONTROL BOARD APPROVE THE APPLICATION FOR A PREMISE PERMIT FOR THE WILLMAR ELKS LODGE #952

WHEREAS, the Willmar Elks Lodge #952 has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the Willmar Elks Lodge #952, 426 Litchfield Avenue Southwest, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the Willmar Elks Lodge #952 and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the Willmar Elks Lodge #952.

Dated this 21<sup>st</sup> day of March, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

City Administrator Schmit informed the Mayor and Council that the Senate Transportation Committee held a hearing March 10, 2005, to consider S.F. 366 to establish a street utility fee. The bill passed without recommendation to the Senate State and Local Government Operations Committee and no dates have been set for future hearings. Senators are claiming the outcome of this legislation will depend largely on the ability of City officials to make the case that this street funding tool would be useful and would be implemented carefully and fairly at the local level. Opposition forces are claiming that property taxes should sufficiently cover the cost of street maintenance.

Following discussion of a proposed resolution supporting legislation to provide improved funding options for city improvements and supporting documentation, Council Member Christianson

offered a motion to refer the matter to the Public Works/Safety Committee with Council Member Fagerlie seconding the motion. A roll call vote resulted in Ayes 3 and Noes 3. Mayor Heitke cast the deciding affirmative vote and the motion carried.

Public Works Director Odens informed the Mayor and Council that the Engineering Department has prepared plans and specifications for the 2005 Improvements (Project No. 0501 and Project No. 0502 Sewer and Water). Following discussion, Resolution No. 2 was introduced by Council Member Gardner, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 2

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project Nos. 0501 (Street Improvements) and 0502 (Sewer and Water Improvements) for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 25th day of April, 2005, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 21<sup>st</sup> day of March, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, March 28; Public Works/Safety, March 29; and Community Development, March 31, 2005.

Planning and Development Services Director Peterson informed the Mayor and Council that in order to meet the schedule for bidding the phase of work that will substantially completes the Airport Project, it is necessary to enter into a Professional Services Contract with HNTB Corporation. The not-to-exceed amount has been reduced from \$138,400 to \$97,500, recognizing that the FAA has delayed approval of the installation of a MALSR system. Following discussion, Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a professional services contract (Airport Project Phase 5d) between the City of Willmar and HNTB Corporation with a not-to-exceed amount of \$97,500.

Dated this 21<sup>st</sup> day of March, 2005.

/s/ Lester Heitke

MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Heitke informed the Council on recent developments with the local option sales tax legislation noting that the resolution describing the citizen vote on the local option sales tax question during the 2004 election was presented by Senator Johnson to the Minnesota Tax Committee. Twenty-one community requests for a local sales tax were received by the legislature with Willmar being named as one of four communities on the "A" list which was used as a ranking tool for regional-based projects. This matter was for information only.

Mayor Heitke reported on his attendance at the National League of Cities conference held in Washington, D.C. noting that highway funding proposals have earmarked \$4.5 million to continue the Highway 23 Bypass around Paynesville. Mayor Heitke met with congressional leaders on various matters. This matter was for information only.

Mayor Heitke presented a letter recently received from Helen M. Blue-Redner, Chairman of the Upper Sioux Community, voicing concerns with the expanding gaming proposals presented by the Governor. New proposals include the racino, state tribal casino, and a casino in the Mall of America. Following discussion, the matter was referred to the Community Development Committee for consideration.

Police Chief Kulset presented to the Mayor and Council the 2004 Willmar Police Departmental annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Fire Chief Calvin presented to the Mayor and Council the 2004 Willmar Fire Departmental annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

There being no further business to come before the Council, the meeting adjourned at 8:25 p.m. upon motion by Council Member Christianson, seconded by Council Member DeBlieck, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL